

**REMARKS**

Claims 1, 3-5, 7-18, 20, 22-26, and 28-45 are pending in the present application. The claims have been examined and stand rejected. Applicant, by this paper, amends claims 1, 3, 18, 24, 26, 29, 30, 36, 37 and 43-45. No new matter is added by amendment. Applicant cancels claims 2, 19, and 27 without prejudice. Applicant respectfully requests reconsideration and allowance of all pending claims.

**DISCUSSION OF REJECTIONS UNDER 35 U.S.C. §102**

Claims 1, 4-5, 7-18, 20, 22-26, 29-32, and 34-45 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2004/0248551 to Rowitch et al. (hereinafter Rowitch).

In order for a claim to be anticipated, a single prior art reference must describe, either expressly or inherently, each and every element as set forth in the claim.

Claim 1 recites “[a] method of providing location services.” The method includes “performing authorization for location determination based on a first security procedure” as well as “performing authentication for the location determination based on the first security procedure.” Claim 1 further includes the features of “performing authorization for location disclosure based on a second security procedure, independent of the first security procedure” as well as the feature of “performing authentication for the location disclosure based on the second security procedure.”

Rowitch does not describe performing both authorization as well as authentication of location determination based on the first security procedure. The Abstract from Rowitch mentions authorization of location determination but is silent as to authentication. Additionally, the Abstract from Rowitch does not describe using the same first security procedure for authentication of location determination.

Similarly, Rowitch, Abstract describes authorization of location disclosure based on a second security procedure, but is silent as to authentication. Likewise, Rowitch does not describe using the same second security procedure for authentication of location disclosure.

Rowitch does not describe every feature from claim 1 as set forth in the claim, and thus does not anticipate claim 1. Applicant respectfully requests reconsideration and allowance of claim 1.

**Claim 18** includes similar features relating to authentication and authorization of location determination based on the first security procedure as well as authentication and authorization of location disclosure based on the second security procedure. Claim 18 is believed to be allowable at least for the same reasons as set forth above in relation to claim 1.

**Claim 30** includes the similar feature of “authenticating location disclosure messages exchanged between the mobile station and a home network using a second session obtained in the second security procedure.” Claim 30 is believed to be allowable at least for the same reasons as set forth above in relation to claim 1.

**Claim 44** includes the feature of “authenticating and authorizing the request using a secure disclosure session key and a secure disclosure session.” Claim 44 is believed to be allowable at least for the same reasons as set forth above in relation to claim 1.

**Claim 22** recites a wireless mobile station. The claimed mobile station features “the first function interacts with at least one peer first function located in a first set of at least one network entity to obtain the location information, and wherein the second function interacts with at least one peer second function located in a second set of at least one network entity to provide the location information.” Rowitch does not describe this claimed feature in the manner set forth in the claim.

As claimed, the “first function” refers to a function to obtain the location information, and the “second function” refers to a function to provide the location information to the mobile station.

The Examiner cites to Rowitch, at paragraphs 24-26 and 36-37, as allegedly describing this claimed feature. *Office Action*, at page 7. However, both portions (paragraphs 24-26 as well as paragraphs 36-37) describe the operation of location determination. Neither cited portion from Rowitch describes the operation of location disclosure to the mobile station. Further, neither cited portion describes that the mobile station include a function that interacts with a second peer function in a network entity that is distinct from the function in the network entity that interacts with the mobile station to obtain location information.

Rowitch, at paragraphs 24-26, and as acknowledged by the Examiner, described a portion of the location determination function in which a position location engine can interact with a PDE to determine the location of the mobile station.

Rowitch, at paragraphs 36-37 also describe the location determination function, but in more detail than was described in paragraphs 24-26. Rowitch, at paragraphs 36-37, describes the location request and the subsequent processing that occurs prior to initiating a GPS session. These are part of the location determination function. Indeed, paragraph 37 from Rowitch describes the MPC determining that the LBS application in the mobile station has the authority to calculate the location of the mobile. *See, Rowitch*, at paragraph [0037].

**Claim 22** is believed to be allowable and not anticipated by Rowitch, because Rowitch does not describe every claimed feature of the claim in the manner set forth in the claim.

**Claim 23** includes substantially the same features as discussed above in relation to claim 22 and is believed to be allowable at least for the reasons presented above in relation to claim 22. Applicant respectfully requests reconsideration and allowance of claims 22 and 23.

**Claim 24** recites a method of providing location services. The method includes “performing a first session key setup to obtain a first session key, wherein the first session key is used for authentication and encryption of messages exchanged with a first set of at least one network entity.” Rowitch does not describe this claimed feature.

Rowitch describes authorizing location determination in a first session, but does not describe authentication and encryption of messages using a session key. Rowitch does not describe the encryption of messages, and thus does not describe every feature of claim 24 in the manner set forth in the claim. Applicant respectfully requests reconsideration and allowance of claim 24.

**Claim 29** includes features that are substantially similar to those discussed above in relation to claim 24 and is believed to be allowable and not anticipated by Rowitch for at least the reasons presented above in relation to claim 24. Applicant respectfully requests reconsideration and allowance of claim 29.

**Claim 35** recites an apparatus. The apparatus features a single location determination request and two distinct location requests. The apparatus authorizes location disclosure for both the requests based on the same “second security procedure.” Rowitch does not describe this claimed feature.

The Office Action does not cite to any portion of Rowitch describing two distinct position requests in which location disclosure for both requests is authorized using the second security procedure. The portion cited to by the Examiner relies on that portion of Rowitch

which describes location disclosure following location determination in response to a single location request.

Applicant respectfully requests reconsideration and allowance of claim 35. Rowitch does not describe every claimed feature in the manner set forth in the claim.

**Claim 36** recites a method of providing location services. The method includes the feature of “using a disclosure session key limited to entities within the home network.” This claimed feature is described, for example, at Applicant’s Specification, at paragraph [1070].

Rowitch does not describe limiting any session key to a home network, and thus does not anticipate claim 36. Rowitch describes using a second session key to authorize location disclosure, but does not describe any limitations as to the dissemination or restriction of session keys. Applicant respectfully requests reconsideration and allowance of claim 36.

**Claim 43** includes similar features to those discussed above in relation to claim 36 and is believed to be allowable and not anticipated by Rowitch for at least the reasons presented above in relation to claim 36.

#### DISCUSSION OF REJECTIONS UNDER 35 U.S.C. §103

Claims 3, 28, and 33 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rowitch in view of at least one of U.S. Patent No. 6,064,741 to Horn, et al. (hereinafter Horn) or U.S. Patent Application Publication No. 2003/0125044 to Deloach et al. (hereinafter Deloach).

Rowitch is disqualified as prior art against the claimed invention as provided in 35 U.S.C. §103(c)(1). Rowitch is not available as a prior art reference under 35 U.S.C. §103(a), because Rowitch (US 2004/0248551) and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Rowitch (U.S. Application No. 10/769,420) is assigned to, or subject to assignment to, Qualcomm Incorporated, the assignee of the instant application.

The assignment of the invention of the instant application to Qualcomm Incorporated is recorded with the PTO on November 21, 2006, at Reel 018543 and Frame 0719.

STATEMENT OF COMMON OWNERSHIP

U.S. Patent Application No. 10/792,062 (the instant application) and U.S. Patent Application No. 10/769,420 to Rowitch were, at the time the invention of the instant application was made, owned by Qualcomm Incorporated, or subject to an obligation of assignment to Qualcomm Incorporated. (Please see attached copy of Assignment – Application No. 10/769,420).

The *prima facie* case for an obviousness rejection of claims 3, 28, and 33 cannot be maintained in the absence of Rowitch. Rowitch is disqualified as a prior art and the remaining art cited in the rejections under 35 U.S.C. §103 are insufficient to teach or suggest very claimed feature.

Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. §103.

DISCUSSION OF DEPENDENT CLAIMS

Claims 3-5, 7-17, 20, 25-26, 28, 31-34, 37-42, and 45 depend, either directly or indirectly, from one of independent claims 1, 18, 22, 23, 24, 29, 30, 35, 36, or 44 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Each of the dependent claims may have individual bases for patentability beyond those discussed above in relation to the independent claims. It is not necessary to discuss the patentable distinctions of each dependent claim because of the allowability of the base claims from which they depend. Applicant respectfully requests reconsideration and allowance of claims 3-5, 7-17, 20, 25-26, 28, 31-34, 37-42, and 45.

**CONCLUSION**

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Applicant believes that the instant response is filed within the Shortened Statutory Period for response provided in the Office Action of April 28, 2009.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Docket No. 030157

Serial No. 10/792,062

Please charge any fees or credit overpayments that may be due with this response to  
Deposit Account No. 17-0026.

Dated: July 28, 2009

Respectfully submitted,

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## ASSIGNMENT

TO WHOM IT MAY CONCERN:

For the sum of One Dollar and other valuable consideration to us in hand paid, receipt of which is hereby acknowledged, be it known that we **Douglas Rowitch**, a citizen of the United States of America having a place of residence at 2009 De Mayo Road, Del Mar, CA 92014, and **Kirk Burroughs**, a citizen of the United States of America having a place of residence at 174 Canyon Vista Place, Alamo CA 94507; have sold, assigned and transferred and by these presents do sell, assign, transfer and set over unto **QUALCOMM Incorporated**, a Delaware corporation, having a place of business at 5775 Morehouse Drive, San Diego, California 92121-1714, its successors, legal representatives, or assigns, the whole right, title and interest in and to a certain invention relating to:

### **LOCATION BASED SERVICE(LBS) SYSTEM, METHOD AND APPARATUS FOR AUTHORIZATION OF MOBILE STATION LBS APPLICATIONS**

by us devised and the application for United States Patent therefore filed in the United States Patent and Trademark Office on **January 30, 2004**, including, without limitation, all provisional patent applications, including Serial No. **60/444,248**, filed **January 31, 2003** and **60/445,815**, filed **February 5, 2003**, and all original and reissue patents granted thereof, and all divisions, and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and all foreign rights to said invention, and covenant that we have full right to do so, and agree that we will communicate to said corporation or its representatives all facts known to us respecting said invention, whenever requested, and testify in any legal proceedings, sign all lawful papers, make all rightful oaths and generally do everything possible to aid said corporation, its successors, assigns and nominees, to obtain and enforce proper patent protection for said invention in all countries.



The Commissioner of Patents and Trademarks is requested to issue the Letters Patent which may be granted for said invention or any part thereof unto said corporation in keeping with this Assignment.

Done at San Diego, California this 29<sup>th</sup> day of June, 2004.



Douglas Rowitch

Done at Campbell, California this \_\_\_\_\_ day of \_\_\_\_\_, 2004.



Kirk Burroughs

The Commissioner of Patents and Trademarks is requested to issue the Letters Patent which may be granted for said invention or any part thereof unto said corporation in keeping with this Assignment.

Done at San Diego, California this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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Douglas Rowitch

Done at Campbell, California this 8th day of July, 2004.

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Kirk Burroughs